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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,775	10/15/2001	Dianne D. Mueller	US20010143	3779

173 7590 02/02/2004

WHIRLPOOL PATENTS COMPANY - MD 0750  
500 RENAISSANCE DRIVE - SUITE 102  
ST. JOSEPH, MI 49085

EXAMINER

CIRIC, LJILJANA V

ART UNIT PAPER NUMBER

3753

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

***Response to Amendment***

1. This Office communication is in response to the reply filed on November 10, 2003.

2. Nevertheless, the abovementioned reply submitted by the applicant is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): (A) the amendments to the specification and to the claims are not in strict compliance with the revised version of 37 CFR 1.121(c) effective July 30, 2003; and, (B) the information provided by applicant in response to the examiner's request for additional information in paragraph 14 of the prior Office action relating to the issue of public use or sale activity does NOT fully satisfy the aforementioned request for additional information.

More particularly with regard to (A) above, the specification amendments and the claim amendments do *NOT* begin on separate sheets, as required, AND, the current status of claim 26 is *NOT* provided in the claim listing,, also as required.

With regard to (B) above, the applicant is urged to reevaluate the responses to the questions posed by the examiner on page 5 of the prior Office action and to reply more fully, directly, and completely to the same.

For example, the examiner had asked that the applicant specify the date on which the public announcement relating to the instant invention as cited in Richard Babyak's article occurred (i.e., the date on which Whirlpool Corporation Chairman and CEO David Whitwam revealed plans for an internet-enabled combination refrigerator/oven appliance during an interview on CNBC); in response to this inquiry, applicant has stated that the public announcement occurred on January 16-17, 2002. Meanwhile, the aforementioned article was posted on the internet on August 16, 2000 and, at least

Art Unit: 3753

based on the contents of the article, the interview referenced therein appears to have occurred BEFORE the posting of the article, yet applicant's response neither confirms that this is the case nor clearly denies the same, such as by stating that the invention for which plans were revealed by CEO Whitwam is NOT the instant invention but some other invention, for example. Thus, applicant's response is neither complete nor direct nor clear.

Applicant's responses to questions (b) through (e) as posed by the examiner on page 5 of the previous Office action have similarly NOT been fully and clearly responded to by the applicant. As an additional example, applicant has failed to even mention the particular prototypes about which the examiner has inquired in question (c) appearing on page 5 of the previous Office action (i.e., the prototypes which Richard Babyak's article states were already being tested as of the posting date of the article). In addition to failing to directly, fully, and clearly respond to the specific inquiries made by the examiner, the applicant has also failed to provide any copies of either press releases or trade show brochures as requested by the examiner.

The above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

Art Unit: 3753

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (703) 308-1272.

The NEW central official fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

January 29, 2004



LJILJANA V. CIRIC  
PRIMARY EXAMINER  
ART UNIT 3753